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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,504	02/01/2005	Geert Feye Woerlee	470-044735	5942
7590 07/10/2007				
Webb Ziesenheim Logsdon Orkin & Hanson 700 Koppers Building 436 Seventh Avenue Pittsburgh, PA 15219-1818			EXAMINER KHAN, AMINA S	
			ART UNIT 1751	PAPER NUMBER
			MAIL DATE 07/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/502,504

Applicant(s)

WOERLEE ET AL.

Examiner

Amina Khan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 11-15 and 17-21 are pending. Claims 1-10 and 16 have been cancelled.
2. Claims 11-15 and 17-21 stand rejected under 35 USC 103(a) rejection over Romack et al. (US 6,200,352) in view of the Octadecylamine document ([www.ams.usda.gov/nop/nationallist/tapreviews/octadecylamine.pdf](http://www.ams.usda.gov/nop/nationallist/tapreviews/octadecylamine.pdf)) for the reasons set forth in the previous office action. The rejection of the claims is maintained.

### *Response to Arguments*

3. Applicant's arguments regarding the 35 USC 103(a) rejection have been fully considered but they are not persuasive. The declaration under 37 CFR 1.132 filed April 19, 2007 is insufficient to overcome the rejection of claims 11-15 and 17-21 based upon Romack et al. in view of the Octadecylamine document as set forth in the last Office action because: The declaration is directed towards only a few species of surfactants and not the generic disclosure of surfactants in claim 11. The generic disclosure of surfactants in claim 11 is too extensive to be encompassed by examples 1-11.

4. The applicants argue:

"However, whereas the crux of the present invention is to employ dry cleaning compositions containing densified carbon dioxide and deliberately non-dissolved surfactant, Romack et al. teaches to take measures to ensure that all surfactant is dissolved. In column 2, lines 5-10 of Romack et al., it is stated that "an advantage of the present invention is that, proper use of the co-solvent, conventional surfactants may be employed in a liquid carbon dioxide dry cleaning system." Furthermore, in column 2, lines 2-3 it is stated: "The surfactant is soluble in the co-solvent." Finally, the examples of Romack et al. clearly illustrate the use of a co-solvent to dissolve surfactants that would not dissolve in the carbon dioxide in

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the absence of such co-solvent. The essence of the invention disclosed in Romack et al. is to employ a co-solvent to render soluble surfactants that are poorly soluble in carbon dioxide in the absence of such a co-solvent. Hence, there is nothing in Romack et al. that suggests employing a surfactant and co-solvent in such concentrations such that the surfactant will not dissolve. Quite the reverse, Romack et al. actually teaches to employ co-solvent to ensure that the surfactant will be dissolved."

The examiner respectfully disagrees. The applicant clearly states in the declaration that the surfactants used are liquid at room temperature and atmospheric pressure however form solid particles as a result of chemical or physical interaction with other components present in the cleaning composition (page 2, paragraph 6). The applicant also states in the declaration that the precipitate forms when the solution becomes supersaturated by the ionic surfactant (page 3, paragraph 9).

The applicant has not provided a showing that the compositions of Romack et al. would not precipitate to the instantly claimed percentages during the cleaning process through interaction with other components in the cleaning composition and the patent office is not equipped to perform this measurement. The applicant has not identified what components are present in the cleaning composition to interact with the solvent to precipitate it, so the patent office cannot deduce whether this occurs in Romack et al. Furthermore, if high temperatures are used in the Romack et al. process such as up to 50°C (column 3, line 1), evaporation of solvent and precipitation would occur due to supersaturation of the solution. Therefore the declaration is insufficient to overcome the rejection of the claims under Romack in view of the Octadecylamine document.

All disclosures of the prior art, including non-preferred embodiment, must be considered. See *In re Lamberti and Konort*, 192 USPQ 278 (CCPA 1967); *In re Snow* 176 USPQ 328 (CCPA 9173). Nonpreferred embodiments can be indicative of

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obviousness, see *Merck & Co. v. Biocraft Laboratories Inc.* 10 USPQ 2d 1843 (Fed. Cir. 1989); *In re Lamberti*, 192 USPQ 278 (CCPA 1976); *In re Kohler*, 177 USPQ 399. A reference is not limited to the working examples, see *In re Fracalossi*, 215 USPQ 569 (CCPA 1982).

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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July 6, 2007

*Lorna M. Douyon*  
**LORNA M. DOUYON**  
**PRIMARY EXAMINER**